

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

09 CR 06030-001

JASON TUTTY,

Defendant.

**STATEMENT OF THE GOVERNMENT WITH RESPECT
TO SENTENCING FACTORS AND MOTION PURSUANT TO
U.S.S.G. §3E1.1(b)**

PLEASE TAKE NOTICE, that the government hereby adopts all findings of the Pre-sentence Report with respect to sentencing factors in this action.

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three business days prior to sentencing.

The defendant is required by 18 U.S.C. §3013 to pay the sum of \$100 of money due at sentencing at the time of sentencing. The government will oppose voluntary surrender, if applicable, until such time as the defendant pays the special assessment to the Clerk of the Court.

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, **the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility** pursuant to U.S.S.G. §3E1.1(b).

DATED: Rochester, New York
June 12, 2009

Respectfully submitted,
KATHLEEN M. MEHLTRETTER
Acting United States Attorney
WESTERN DISTRICT OF NEW YORK

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2009, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant on this case:

Robert G. Smith, Esq.

s/Lori Pietrzykowski

LORI PIETRZYKOWSKI